

Appendix – Trial Transcript Compared to *MaM* Transcript

Trial Transcript Day 7, Colborn Dispatch Call and Witness Examination Episode 5, <i>MaM</i> Transcript			
Page #	Trial Transcript		<i>MaM</i> Transcript
180	22	Manitowoc County Sheriff's Department.	Dispatcher: Manitowoc County Sheriff's Department.
	23	This is Lynn.	This is Lynn.
	24	Lynn.	Colborn: Lynn.
	25	Hi A ^{ndy} .	Dispatcher: Hi Andy.

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181	<p>1 Can you run --</p> <p>2 Q. (By Attorney Strang)~ Is that you?</p> <p>3 A. It sounds like me. I believe it's me.</p> <p>4 Q. Okay. I'll --</p> <p>5 Sam William Henry 582. See if it comes</p> <p>6 back to (Inaudible.)</p> <p>7 Lynn.</p> <p>8 Hi Andy.</p> <p>9 Can you run Sam William Henry 582. See</p> <p>10 if it comes back to (Inaudible.)</p> <p>11 Sam William Henry 582. I (Inaudible.)</p> <p>12 All righty. You speak any Spanish there, Andy?</p> <p>13 I just a call at the top of the list, is my on</p> <p>14 call didn't call me back. If I want to get in</p> <p>15 trouble, Andy, I get in trouble. You know, what</p> <p>16 am I supposed to do?</p> <p>17 Well --</p> <p>18 My favorite one is in the city of</p> <p>19 Manitowoc. Okay. Shows that she's a missing</p> <p>20 person. And it lists to Teresa Halbach.</p> <p>21 All set.</p> <p>22 Okay. Is that what you're looking for,</p> <p>23 Andy?</p> <p>24 '99 Toyota.</p> <p>25 Yup.</p>	<p>54:03-54:06</p> <p>54:03-54:06</p> <p>54:06-54:13</p> <p>54:13-54:17</p>	<p>Colborn: Can you run</p> <p>Colborn: Sam William Henry 582?</p> <p>Dispatcher: Okay. Shows that she's a missing person. And it lists to Teresa Halbach.</p> <p>Dispatcher: Ok, that's what you're looking for,</p> <p>Dispatcher: Andy?</p> <p>Colborn: '99 Toyota.</p> <p>Dispatcher: Yup.</p>

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182	<p>1 Okay. Thank you.</p> <p>2 You're so welcome. Bye, bye.</p> <p>3 Q. Okay. That's the entire call. Hangs up. That's</p> <p>4 your voice?</p> <p>5 A. Yes, I believe that's my voice. Yes.</p> <p>6 Q. When did you make that phone call inquiring about</p> <p>7 a license plate?</p> <p>8 A. I don't know.</p> <p>9 Q. Do you have any recollection of making that phone</p> <p>10 call?</p> <p>11 A. It would have had to have been 11/03/05 or -- I'm</p> <p>12 guessing 11/03/05.</p> <p>13 Q. Okay. But let's -- let's ask -- establish this</p> <p>14 first, do you remember making the call?</p> <p>15 A. Not really, no.</p> <p>16 Q. What you're asking the dispatcher, whose name is</p> <p>17 Lynn, is to run a plate that's Sam William Henry</p> <p>18 582; did I hear that correctly?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Sam William Henry is a phonetic code that law</p> <p>21 enforcement officers use, because sometimes it's</p> <p>22 hard to tell just a letter over radio?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Sam William Henry would be SWH-582.</p> <p>25 A. Yes.</p>	<p>54:17-54:20</p> <p>*55:31-55:37*</p> <p>54:20-54:30</p> <p>54:30-54:37</p>	<p>Colborn: Okay. Thank you.</p> <p>Dispatcher: You are so welcome. Bye, bye.</p> <p><i>* Strang: Do you have any recollection of making that phone call?</i></p> <p><i>Colborn: I'm</i></p> <p><i>guessing 11/03/05.*</i></p> <p><i>* [As indicated by the italics here and below, this portion of trial testimony appeared slightly later in Episode 5 of <i>MaM</i>.]</i></p> <p>Strang: What you're asking the dispatch</p> <p>is to run a plate that's Sam, William, Henry,</p> <p>582? Did I hear that correctly?</p> <p>Colborn: Yes, sir</p> <p>Strang: Sam, William, Henry would be S-W-H-5-8-2?</p> <p>Colborn: Yes.</p>

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183	<p>1 Q. This license plate?</p> <p>2 A. Yes, sir.</p> <p>3 Q. I'm showing, for the benefit of the record, this</p> <p>4 is either Exhibit 152 or 153?</p> <p>5 THE CLERK: It's on the plate itself.</p> <p>6 ATTORNEY STRANG: This one happens to be</p> <p>7 153.</p> <p>8 Q. (By Attorney Strang)~ And the dispatcher tells</p> <p>9 you that the plate comes back to a missing person</p> <p>10 or woman?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Teresa Halbach. Mispronounces the last name, but</p> <p>13 you recognize the name?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And then you tell the dispatcher, Oh, '99 Toyota?</p> <p>16 A. No, I thought she told me that.</p> <p>17 Manitowoc County Sheriff's Department.</p> <p>18 This is Lynn.</p> <p>19 Lynn.</p> <p>20 Hi Andy.</p> <p>21 Can you run Sam William Henry 582, see</p> <p>22 if it comes back to (Inaudible.)</p> <p>23 Sam William Henry 582. I (Inaudible.)</p> <p>24 All righty. Do you speak any Spanish there,</p> <p>25 Andy? I just got a call that the top of my list,</p>	54:37-54:42 54:42-55:06	<p>Strang: This license plate?</p> <p>Colborn: Yes, sir</p> <p>Strang: And the dispatcher tells</p> <p>you that the plate comes back to a missing person</p> <p>or woman?</p> <p>Colborn: Yes, sir.</p> <p>Strang: Teresa Halbach</p> <p>Colborn: Yes, sir.</p> <p>Strang: And then you tell the dispatcher, "Oh '99</p> <p>Toyota?</p> <p>Colborn: No, I thought she told me that.</p>

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184	<p>1 is my on call didn't call me back. If I want to 2 get in trouble, Andy, I get in trouble. You 3 know, what am I supposed to do?</p> <p>4 Well --</p> <p>5 My favorite one is in the city of 6 Manitowoc. Okay. Shows that she's a missing 7 person. And it lists to Teresa Halbach.</p> <p>8 All set.</p> <p>9 Okay. That's what you're looking for,</p> <p>10 Andy?</p> <p>11 '99 Toyota?</p> <p>12 Yup.</p> <p>13 Okay. Thank you.</p> <p>14 You are so welcome. Bye, bye.</p> <p>15 Q. Actually you who suggests this is a '99 Toyota?</p> <p>16 A. I asked if it was a '99 Toyota, yes.</p> <p>17 Q. And the dispatcher confirmed that?</p> <p>18 A. Yes.</p> <p>19 Q. Were you looking at these plates when you called 20 them in?</p> <p>21 A. No, sir.</p> <p>22 Q. And your best guess is that you called them in on 23 November 3, 2005?</p> <p>24 A. Yes, probably after I received a phone call from 25 Investigator Wiegert letting me know that there</p>	<p>55:06-55:20</p> <p>55:20-55:31</p> <p>*55:31-55:37*</p> <p>55:37-55:47</p>	<p>Dispatcher: Okay. Shows that she's a missing person. And it lists to Teresa Halbach.</p> <p>Dispatcher: Okay, that's what you're looking for, Andy?</p> <p>Colborn: '99 Toyota.</p> <p>Dispatcher: Yup.</p> <p>Colborn: Okay. Thank you.</p> <p>Dispatcher: You are so welcome. Bye, bye.</p> <p>Strang: Were you looking at these plates when you called them in?</p> <p>Colborn: No, sir.</p> <p><i>*Text from Trial Transcript page 181 inserted here*</i></p> <p>Colborn: Probably after I received a phone call from Investigator Wiegert letting me know that there</p>

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185	<p>1 was a missing person.</p> <p>2 Q. Investigator Wiegert, did he give you the license</p> <p>3 plate number for Teresa Halbach when he called</p> <p>4 you?</p> <p>5 A. I don't remember the entire content of our</p> <p>6 conversation but, obviously, he must have because</p> <p>7 I was asking the dispatcher to run the plate for</p> <p>8 me.</p> <p>9 Q. Did you not trust that Investigator Wiegert got</p> <p>10 the number right?</p> <p>11 A. I don't -- That's just the way I would have done</p> <p>12 it. I don't -- It's not a trust or distrust</p> <p>13 issue.</p> <p>14 ATTORNEY STRANG: I'm about to move to a</p> <p>15 different area, your Honor.</p> <p>16 THE COURT: All right. We'll take our</p> <p>17 afternoon break at this time. Members of the jury,</p> <p>18 do not discuss the case during break. And we'll</p> <p>19 resume in about 15 minutes.</p> <p>20 (Jury not present.)</p> <p>21 THE COURT: Counsel, you should report back</p> <p>22 a little before 3:00.</p> <p>23 ATTORNEY STRANG: Thank you.</p> <p>24 (Recess taken.)</p> <p>25 THE COURT: Mr. Strang, you may resume your</p>	55:47-55:54	<p>was a missing person.</p> <p>Strang: Investigator Wiegert, did he give you the license</p> <p>plate number for Teresa Halback when he called</p> <p>you?</p>

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186	<p>1 cross-examination.</p> <p>2 <u>CROSS-EXAMINATION CONTD</u></p> <p>3 BY ATTORNEY STRANG:</p> <p>4 Q. So as you sit here today, Sergeant Colborn, you</p> <p>5 don't recall whether Investigator Wiegert gave</p> <p>6 you Ms Halbach's telephone number when he called</p> <p>7 you that Thursday evening?</p> <p>8 A. He never asked me anything about a telephone</p> <p>9 number.</p> <p>10 Q. But you think he must have given you her license</p> <p>11 plate number? Did I say telephone number?</p> <p>12 A. Yes, you did.</p> <p>13 Q. I'm sorry. I apologize. What I meant is, you</p> <p>14 don't recall, as you sit here today, whether</p> <p>15 Mr. Weigert gave you Teresa Halbach's license</p> <p>16 plate number when he called you on November 3?</p> <p>17 A. No, I just don't remember the exact content of</p> <p>18 our conversation then.</p> <p>19 Q. But --</p> <p>20 A. He had to have given it to me, because I wouldn't</p> <p>21 have had the number any other way.</p> <p>22 Q. Well, and you can understand how someone</p> <p>23 listening to that might think that you were</p> <p>24 calling in a license plate that you were looking</p> <p>25 at on the back end of a 1999 Toyota; from</p>	55:54-56:03 56:03-56:19	<p>Colborn: I just don't remember the exact content of our conversation then.</p> <p>Colborn: He had to have given it to me, because I wouldn't have had the number any other way.</p> <p>Strang: Well, you can understand how someone listening to that might think that you were calling in a license plate that you were looking at on the back end of a nineteen-ninety-nine Toyota.</p>

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187	<p>1 listening to that tape, you can understand why 2 someone might think that, can't you?</p> <p>3 ATTORNEY KRATZ: It's a conclusion, Judge.</p> <p>4 He's conveying the problems to the jury.</p> <p>5 THE COURT: I agree, the objection is 6 sustained.</p> <p>7 Q. This call sounded like hundreds of other license 8 plate or registration checks you have done 9 through dispatch before?</p> <p>10 A. Yes. 56:19-56:31</p> <p>11 Q. But there's no way you should have been looking 12 at Teresa Halbach's license plate on November 3, 13 on the back end of a 1999 Toyota?</p> <p>14 ATTORNEY KRATZ: Asked and answer, your 15 Honor, he already said he didn't and was not looking 16 at the license plate.</p> <p>17 THE COURT: Sustained.</p> <p>18 Q. (By Attorney Strang)~ There's no way you should 19 have been, is there?</p> <p>20 A. I shouldn't have been and I was not looking at 56:31-57:09</p> <p>21 the license plate.</p> <p>22 Q. Because you are aware now that the first time 23 that Toyota was reported found was two days later 24 on November 5?</p> <p>25 A. Yes, sir.</p>		<p>Colborn: Yes</p> <p>Strang: But there's no way you should have been looking</p> <p>at Teresa Halbach's license plate on November 3, on the back end of a 1999 Toyota?</p> <p>Colborn: I shouldn't have been and I was not looking at the license plate.</p> <p>Strang: Because you are aware now that the first time That Toyota was reported found was two days later on November 5?</p> <p>Colborn: Yes, sir</p>

**Trial Transcript Day 7, Search of Avery Property and Colborn Testimony
Episode 7, *MaM* Transcript**

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122	<p>1 consumed the rest of the day.</p> <p>2 Q. Let's move on then to the 8th, which would be</p> <p>3 Tuesday, the 8th of November, were you asked to</p> <p>4 return to the property?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Again, who were you asked to return there by?</p> <p>7 A. By -- No, I didn't get the -- the -- wasn't told</p> <p>8 to me directly. Usually Lieutenant Lenk met with</p> <p>9 members of the Calumet County Sheriff's</p> <p>10 Department and Department of Criminal</p> <p>11 Investigations at the completion of each day and</p> <p>12 then I would just check with Lieutenant Lenk, are</p> <p>13 we needed tomorrow or no.</p> <p>14 Q. I see.</p> <p>15 A. And then he said, we're needed tomorrow.</p> <p>16 Q. Did you show up then on the 8th?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And who were you attached to, or who were you</p> <p>19 assigned to that day?</p> <p>20 A. I was assigned to Deputy Dan Kucharski from the</p> <p>21 Calumet County Sheriff's Department.</p> <p>22 Q. Do you know what you were asked to do on the 8th?</p> <p>23 A. Yes, Deputy Kucharski, Lieutenant Lenk, and</p> <p>24 myself were instructed, by Special Agent</p> <p>25 Fassbender, to look for some specific printed</p>	16:18	Kratz: Let's move on then to the 8 th of November

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123	<p>1 material inside Steven Avery's residence.</p> <p>2 Q. Okay.</p> <p>3 A. And to collect same.</p> <p>4 Q. Did you have occasion to enter Steven Avery's</p> <p>5 bedroom on the 8th of November?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Who did you enter that bedroom with.</p> <p>8 A. Deputy Kucharski and Lieutenant Lenk.</p> <p>9 Q. How long did you spend in that bedroom on the</p> <p>10 8th, if you recall?</p> <p>11 A. An hour or so.</p> <p>12 Q. Were you directed to perform any search of that</p> <p>13 trailer, specifically of that bedroom?</p> <p>14 A. Before -- Actually, before we started on the</p> <p>15 bedroom, I was instructed to, with Deputy</p> <p>16 Kucharski, to remove the computer and to wait</p> <p>17 until the computer was picked up by another law</p> <p>18 enforcement officer.</p> <p>19 Q. Okay. Did you do that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Then, moving to the bedroom, my question is,</p> <p>22 whether you were to perform a search that day?</p> <p>23 A. Yes, sir.</p> <p>24 Q. I'm showing you what's been marked for</p> <p>identification as Exhibit No. 208; can you tell</p>	16:18-16:33	<p>Kratz: Did you have occasion to search Steven Avery's bedroom</p> <p>Colborn: Yes, sir.</p> <p>Kratz: Who did you enter that bedroom with?</p> <p>Colborn: Deputy Kucharski and Lieutenant Lenk.</p>

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124	<p>1 us what that is, please.</p> <p>2 A. These are photographs of a cabinet that's right</p> <p>3 next to the desk in Steve Avery's bedroom, that</p> <p>4 would be the same bedroom where the firearms were</p> <p>5 that I described before and --</p> <p>6 Q. We're just talking about the first one now,</p> <p>7 Exhibit 208.</p> <p>8 A. That's this photograph here. It's a picture</p> <p>9 of -- this is a desk.</p> <p>10 Q. I'm actually going to put a view up for the jury</p> <p>11 so that we can -- Okay. If you want to use your</p> <p>12 laser pointer where everybody can see what you</p> <p>13 are talking about then.</p> <p>14 A. This is a desk. There's an open area, that's the</p> <p>15 picture. This is a cabinet, you can see how</p> <p>16 closely it is positioned to the desk there.</p> <p>17 Q. Let me just stop you, is this something that you</p> <p>18 earlier called a bookcase.</p> <p>19 A. This cabinet, I'm sorry, yes, I called it a</p> <p>20 bookcase and that's actually, I guess, what it</p> <p>21 is, a bookcase.</p> <p>22 Q. Just so that the jury understands, was this the</p> <p>23 item from which the handcuffs and the leg irons</p> <p>24 were seized a couple days earlier?</p> <p>25 A. Yes, sir. It's easier to see now, with this</p>		

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125	<p>1 picture, the leg irons and handcuffs were located 2 in this area here.</p> <p>3 Q. Now, this particular photograph, you can see a 4 pair of slippers, bedroom slippers next to it; is 5 that right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. You can see a electrical outlet or a socket; is 8 that right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Can you point to that, please. Were you asked, 11 or at least as part of your responsibilities of 12 searching the bedroom, were you asked to do a 13 thorough search of this piece of furniture?</p> <p>14 A. Yes.</p> <p>15 Q. And did you do that?</p> <p>16 A. Yes.</p> <p>17 Q. In performing that search, Sergeant Colborn, did 18 you move or manipulate this piece of furniture at 19 all?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Can you describe that for the jury, please.</p> <p>22 A. As I stated before, we were looking for specific 23 printed or photographs. There is a narrow area 24 between this bookcase and this desk, right there. 25 And in order to make sure that there was no</p>	16:33-16:40	Kratz: In performing that search, did you move or manipulate this piece of furniture?

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126	<p>1 evidence or anything else that we needed lodged 2 between there, I actually tipped this to the side 3 and twisted it away from the wall.</p> <p>4 Q. If you can describe that further, I don't know if 5 you can do it with your words, or show us with 6 your hands, how you did it?</p> <p>7 A. I will be the first to admit, I wasn't any too 8 gentle, as we were, you know, getting 9 exasperated. I handled it rather roughly, 10 twisting it, shaking it, pulling it.</p> <p>11 Q. And that's the bookcase that you are talking 12 about?</p> <p>13 A. Yes, this piece of furniture right here, a 14 bookcase.</p> <p>15 Q. I'm sorry. Sergeant, in shaking and twisting 16 that particular bookcase, did you pull it away 17 from the wall itself, that you can see behind 18 there?</p> <p>19 A. Yes, I did.</p> <p>20 Q. After that process was complete, were the 21 items -- The binder that we can see in the lower 22 left hand corner of the bookcase; can you point 23 to that, please. Was that, and the other items 24 within that bookcase, removed and examined by 25 yourself and your -- other members of your team?</p>	16:40-16:48	<p>Colborn: I will be the first to admit, I handled it rather roughly, twisting it, shaking it, pulling it.</p>

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127	<p>1 A. Yes, sir.</p> <p>2 Q. Did you have occasion to replace those items into</p> <p>3 that bookcase after having pulled it from the</p> <p>4 wall?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What was done with the bookcase after that</p> <p>7 thorough search of the -- of those materials was</p> <p>8 completed?</p> <p>9 A. The items that we didn't use -- or collect as</p> <p>10 evidence, that binder and some of the other</p> <p>11 things there were kind of stuffed, rather</p> <p>12 forcefully, back in there. And other items that</p> <p>13 we were going to collect as evidence were -- we</p> <p>14 had so many that we didn't have a container in</p> <p>15 the room large enough to hold them all. So</p> <p>16 Lieutenant Lenk exited the bedroom to get a</p> <p>17 larger container and I began to search this desk</p> <p>18 here.</p> <p>19 Q. By a larger container, what are you talking</p> <p>20 about?</p> <p>21 A. A box.</p> <p>22 Q. Now, at this time, that is, as the search was</p> <p>23 completed, what was done with that piece of</p> <p>24 furniture; what was done with the bookcase</p> <p>25 itself?</p>		

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128	<p>1 A. It was still kind of away from the wall, but it 2 was more or less stuffed back into its original 3 position.</p> <p>4 Q. The next exhibit, Exhibit No. 209, describe what 5 that is, please.</p> <p>6 A. That's just a different photograph of the same 7 bookcase.</p> <p>8 Q. I'm going to allow the jury to see that as well. 9 Is this the photo that you are talking about 10 of -- of the bookcase?</p> <p>11 A. Yes, sir.</p> <p>12 Q. The next exhibit, No. 210, can you describe what 13 that is for us, please.</p> <p>14 A. 210 is a picture, a photograph of the -- Well, 15 you can see that we have some materials there 16 stuffed in a bag. Then there's the bedroom 17 slippers. And now there is a key with a fob, 18 lying between the bedroom slippers.</p> <p>19 Q. Sergeant Colborn, I'm going to direct your 16:48 20 attention, then, to the large screen. I would 21 like you to carefully take the laser pointer and 22 describe for the jury what it is that we're 23 looking at?</p> <p>24 A. These were some items that we had bagged up. I 25 don't recall what that is. These were the same</p>	Kratz: Sergeant,	

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129	<p>1 bedroom slippers that were in the other 2 photograph, but you can see that they have been 3 jostled. That's the electrical outlet. And now 4 there is a key and with this connecting canvas or 5 nylon fob and a black plastic buckle, lying on 6 the floor.</p> <p>7 Q. The piece of furniture, that is, the bookcase 8 that we see in Exhibit 210, has that been removed 9 or replaced to its original position?</p> <p>10 A. I can't say we have got it exactly 100 percent 11 where it was, but it's very close to its original 12 position, yes.</p> <p>13 Q. So the jury understands the timing of these, 14 Exhibit No. 208 shows the slippers right next to 15 the outlet. And this exhibit, 210, shows the 16 slippers pushed to what would be the left and 17 actually a little bit closer to the photographer; 18 is that fair?</p> <p>19 A. That's correct.</p> <p>20 Q. Do you recognize this image, that is, did you see 21 this image on the 8th of November?</p> <p>22 A. Yes.</p> <p>23 Q. Can you describe that moment, or that event, for 24 the jury, please.</p> <p>25 A. As I had mentioned earlier, Lieutenant Lenk had</p>	16:48-16:52	<p>Kratz: Did you see this image on the 8th of November?</p> <p>Colborn: Yes.</p>

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130	<p>1 exited -- That is the door coming into the 2 bedroom; he had gone through that door to get a 3 bigger container. I was searching the desk here. 4 Deputy Kucharski was sitting on the bed, which 5 also isn't in the photograph, but is in very 6 close proximity to this piece of furniture, the 7 bookcase, filling out paperwork.</p> <p>8 Lieutenant Lenk got about right here, 9 his feet would have been right here, so he was in 10 the room, and said something to the effect of, 11 there's a key on the floor here, or, look, 12 there's a key. I don't know what his exact 13 verbiage was but he identified that there was a 14 key on the floor.</p> <p>15 I turned around, as I wasn't very far 16 away, I turned around and looked and I observed 17 this key, lying right where it is. And I 18 observed this key had this black rubberized or 19 plastic end on it, which they didn't -- you know, 20 that's a newer model car key, due to that plastic 21 or rubberized end. And I also observed that 22 embossed on there was a Toyota emblem.</p> <p>23 And we told Deputy Kucharski, get a 24 photograph of this, right away, which he did, 25 which is this photograph. I did not take this</p>	16:52 16:52-17:05	<p>Colborn: I was searching the desk here. Deputy Kucharski was sitting on the bed</p> <p>Colborn: filling out paperwork. Lieutenant Lenk</p> <p>Colborn: said something to the effect of, "there's a key on the floor here"</p>

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131	<p>1 photograph.</p> <p>2 Q. By the way, as you and Deputy Kucharski and</p> <p>3 Lieutenant Lenk observed this, did any of the</p> <p>4 three of you approach or touch this piece of</p> <p>5 evidence at that time?</p> <p>6 A. I may have been standing in this area here, you</p> <p>7 know. This piece of furniture is only 2 and a</p> <p>8 half, 3 feet tall, maybe. So I could easily see</p> <p>9 over it to see the key.</p> <p>10 I did not approach the key. Lieutenant</p> <p>11 Lenk did not come into the room. Deputy</p> <p>12 Kucharski photographed the key from, you know,</p> <p>13 from whatever angle this picture was taken at.</p> <p>14 That's as close as we got.</p> <p>15 Q. My question, again, was, did either yourself,</p> <p>16 Lieutenant Lenk, or Deputy Kucharski, prior to</p> <p>17 this photo was taken, touch that key?</p> <p>18 A. No, sir.</p> <p>19 Q. Why not?</p> <p>20 A. I think all three of us knew at the same time</p> <p>21 that there was a very good chance, seeing a</p> <p>22 Toyota emblem embossed on that key, knowing that</p> <p>23 Teresa Halbach's vehicle was a Toyota, that this</p> <p>24 was a very important piece of evidence. And, you</p> <p>25 know, none of us were going to taint that.</p>	17:05-17:16 17:16-17:36	<p>Kratz: did either yourself, Lieutenant Lenk, or Deputy Kucharski touch that key?</p> <p>Colborn: No, sir.</p> <p>Kratz: Why not?</p> <p>Colborn: I think all three of us knew at the same time</p> <p>Colborn: that this was a very important piece of evidence. And, you know, none of us were going to taint that.</p>

Trial Transcript Day 7, Search of Avery Property and Tyson Testimony
Episode 7, *MaM* Transcript

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23	<p>1 mentioned that when Lieutenant Lenk went out into 2 the bathroom, you repositioned yourself in the 3 doorway so you could see him in the bathroom and 4 those in the bedroom, right?</p> <p>5 A. Yes.</p> <p>6 Q. You were keeping an eye on what was going on with 7 Mr. Lenk and -- Lieutenant Lenk and the other 8 officers?</p> <p>9 A. I would say I was positioning myself to see if 10 they had located any evidence.</p> <p>11 Q. Well, and you were also trying to abide by the 12 directive that Manitowoc officers should not be 13 alone in any of this property, right?</p> <p>14 A. It was more of a documentation type thing. I 15 mean, I did not treat these guys like I did not 16 trust them, okay.</p> <p>17 Q. Well, let me ask you this, sir. You knew that 18 the district attorneys told those officers not to 19 be alone on any property, right?</p> <p>20 ATTORNEY KRATZ: Mischaracterization, 21 Judge, he said the Manitowoc County district 22 attorney, if he could rephrase the question.</p> <p>23 ATTORNEY BUTING: I don't particularly care 24 which district attorney, it's a district attorney.</p> <p>25 All right.</p>	04:18-04:29	<p>Buting: You knew that the district attorneys told those officers not to be alone on any property, right?</p> <p>Kratz: Mischaracterization, Judge, he said the Manitowoc County District Attorney.</p> <p>Buting: I don't particularly care which District Attorney. It's a District Attorney.</p> <p>All right?</p>

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24	<p>1 Q. (By Attorney Buting) ~ You knew that?</p> <p>2 A. Yes.</p> <p>3 Q. You knew that it was important to the</p> <p>4 prosecution, or some attorneys on site, that</p> <p>5 these officers not be alone anywhere on that</p> <p>6 Avery property, right?</p> <p>7 A. Yes.</p> <p>8 Q. And you knew that this was Mr. Avery's trailer?</p> <p>9 A. Yes.</p> <p>10 Q. And that if anything, of all the places that they</p> <p>11 should not be alone, it would be in Mr. Avery's</p> <p>12 trailer, right?</p> <p>13 A. We did not know that on that day.</p> <p>14 Q. Mr. Avery was the one who was suing them, right?</p> <p>15 You knew that?</p> <p>16 A. I was aware of that fact, yes.</p> <p>17 Q. You knew that, that's right. And you knew that's</p> <p>18 why Manitowoc recused themselves, or transferred</p> <p>19 authority over to Calumet, right?</p> <p>20 A. Yes.</p> <p>21 Q. It was because of this man right here, right?</p> <p>22 A. I believe that's correct.</p> <p>23 Q. And it was this man right here's trailer that you</p> <p>24 were in?</p> <p>25 A. Yes.</p>	<p>04:29-04:35</p> <p>04:35-05:04</p>	<p>Buting: You knew that?</p> <p>Tyson: Yes.</p> <p>Buting: And you knew that</p> <p>if anything, of all the places that they</p> <p>should not be alone, it would be in Mr. Avery's</p> <p>trailer, right?</p> <p>Tyson: We did not know on that day.</p> <p>Buting: Mr. Avery was the one who was suing them,</p> <p>right?</p> <p>You knew that?</p> <p>Tyson: I was aware of that fact, yes.</p> <p>Buting: You knew that. That's right. And you knew that's</p> <p>why Manitowoc transferred</p> <p>authority over to Calumet, right?</p> <p>Tyson: Yes.</p> <p>Buting: It was because of this man right here, right?</p> <p>Tyson: I believe that's correct.</p> <p>Buting: And it was this man right here's trailer that you</p> <p>were in</p> <p>Tyson: Yes.</p>

Page #	Trial Transcript	Timestamp	<i>MaM</i> Transcript
25	<p>1 Q. And so that, of all places, you knew was 2 important that you make sure that these Manitowoc 3 officers not be alone?</p> <p>4 A. Correct.</p> <p>5 Q. And so you kept an eye on them, didn't you?</p> <p>6 A. I was watching what they were doing, yes.</p> <p>7 Q. Had you ever, in any other search in your entire 8 career, had to act like a babysitter, or a 9 watchdog, for the officers who were conducting a 10 search?</p> <p>11 A. I did not treat this as if I was babysitting.</p> <p>12 Q. Had you ever, in any of your years as an officer, 13 had to watch the officers who were searching 14 where you were, to make sure that they weren't 15 alone?</p> <p>16 A. No.</p> <p>17 Q. This was a first for you, wasn't it?</p> <p>18 A. Yes.</p> <p>19 Q. And you made sure, because you were the watchdog 20 here, you were the custodian, the representative 21 of Calumet, you made sure that none of those 22 officers could have planted anything, right?</p> <p>23 A. I watched them to the best of my ability, within 24 those three hours.</p> <p>25 Q. And to the best of your ability meant you did</p>	<p>05:04-05:30</p> <p>05:30-05:33</p>	<p>Buting: And so that, of all places, you knew was important that you make sure that these Manitowoc officers not be alone.</p> <p>Tyson: Correct.</p> <p>Buting: And so you kept an eye on them, didn't you?</p> <p>Tyson: I was watching what they were doing, yes.</p> <p>Had you ever, in any other search in your entire career, had to act like a babysitter, or a watchdog, for the officers who were conducting a search?</p> <p>Tyson: No.</p> <p>Buting: This was a first for you, wasn't it?</p> <p>Tyson: Yes.</p>

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26	<p>1 everything you could to make sure that they knew 2 they were being watched and that they couldn't 3 plant any evidence if they wanted to?</p> <p>4 A. They were told the same instructions that I were, 5 that I was going into that residence to document 6 and recover all evidence that was seized.</p> <p>7 Q. Well, and you did a good job doing that, didn't 8 you?</p> <p>9 A. I believe to the best of my ability, yes.</p> <p>10 Q. All right. And would you agree with me that it 05:33-05:53 11 was -- would have been very difficult for 12 Lieutenant Lenk or Sergeant Colborn to have 13 planted a Toyota key in that residence, under 14 your watch?</p> <p>15 A. I believe it would have been difficult.</p> <p>16 Q. Extremely difficult, right?</p> <p>17 A. It would have been difficult, yes.</p> <p>18 Q. Because you were watching them? 05:53-05:58</p> <p>19 A. To the best of my ability, yes.</p> <p>20 Q. Did you ever suggest to Mr. Fassbender or 21 Mr. Wiegert that maybe you would like to have 22 some of your own officers in there doing this 23 search that night, to Mr. Avery's residence?</p> <p>24 A. We didn't have all those officers that you 25 mentioned at the scene that day.</p>	<p>Buting: And would you agree with me that it would've been very difficult for Lieutenant Lenk or Sergeant Colborn to have planted a Toyota key in that residence, under your watch?</p> <p>Tyson: I believe it would have been difficult.</p> <p>Buting: Because you were watching them?</p> <p>Tyson: To the best of my ability, yes.</p>	

